



POLICY ISSUE
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SECY-97-345

FOR: The Commissioners

FROM: L. Joseph Callan
Executive Director for Operations

SUBJECT: THE EVALUATION OF CURRENT STATE AGREEMENTS

PURPOSE:

To inform the Commission of the results of the evaluation of the 30 current State Agreement documents and the Standard Agreement in light of recent policy statements affecting the Agreement State Program.

BACKGROUND:

On August 25, 1993, the Commission requested that the NRC staff recommend improvements to the Agreement State Program to assure adequate protection of public health and safety. In a memorandum dated October 17, 1994, to the Commission, the staff transmitted the Programmatic Assessment Group's (PAG) recommendations regarding the fourth area the Commission suggested for consideration. In that memorandum, one of the recommendations the staff included was that NRC should evaluate the need for each current Agreement State to reaffirm or modify its existing Agreement in light of the "Statement of Principles and Policy for the Agreement State Program" and "Policy Statement on Adequacy and Compatibility of Agreement State Programs." By Staff Requirements Memorandum (SRM) dated November 2, 1994, the Commission approved this recommendation. In addition, by SRM dated June 30, 1997, the Commission directed the staff to write the Standard Agreement to ensure that existing Agreements remain valid and that any amendments to the existing Agreements will be limited to those required by a truly compelling legal or policy need. The staff has evaluated the Standard Agreement, 30 current State Agreement documents, and the need for reaffirmation or modification, in light of the two policies and the direction in the June 30, 1997 SRM. The results of the evaluation are presented in this paper.

Contact: Cardelia H. Maupin, OSP
415-2312

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PAPER

DISCUSSION:

I. The Evaluation of the Standard Agreement and the 30 Current Agreement Documents

The staff analyzed the 30 current Agreement documents by comparing each document with the Standard Agreement in SECY-97-054. The results of the analysis are as follows:

A. Provisions Consistent with the Standard Agreement

Preamble of Standard Agreement: The analysis of the preamble, in comparison with the 30 Agreements, revealed that there is consistency in this section between the Standard Agreement and the current Agreements. All the Agreements consistently address the authority of the NRC under Section 274 of the Atomic Energy Act of 1954, as amended, to enter into agreements with the Governor of any State or Commonwealth providing for discontinuance of the regulatory authority over certain materials. All the Agreement documents contain language consistent with the Standard Agreement for providing that the Governor of the State certify that it has a program to protect public health and safety with respect to the materials covered by the Agreement and that the Commission has found that the State's program is compatible with the Commission's program and is adequate to protect public health and safety.

Articles of the Standard Agreement: All of the current Agreements contain provisions consistent with that of the Standard Agreement for the specification of areas of authority assumed by the State and for the specification of areas of authority retained by the Commission, including the Commission's authority to protect common defense and security. Additionally, all the Agreements contain provisions consistent with the Standard Agreement for the reciprocal recognition of licenses, for coordination between the NRC and the Agreement States on the development of rules, regulations and other regulatory areas, for the termination or suspension of the Agreement and for the reassertion of the Commission's authority. In addition, although not identical to the language in the Standard Agreement, all of the current Agreements provide that the State use its best efforts (undefined) to assure that their program will continue to be compatible with the program of the Commission for the regulation of materials covered by the Agreement.

B. Provisions Different from the Standard Agreement

Preamble of Standard Agreement: Paragraph 1: From the first Agreement signed with the State of Kentucky in 1962 to the 25th Agreement signed in 1974 with New Mexico, all the Agreement documents in paragraph 1 differ slightly from the Standard Agreement. These Agreement documents do not contain the wording "byproduct material as defined by Sections 11e.(1) and (2) of the Act." This change in the Agreement document is a result of the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978, which added the authority to regulate the category 11e.(2) byproduct material, "tailings or wastes produced

by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content." However, this incomplete statement of NRC authority has little consequence since subsequent sections of these early Agreements clearly delineate the division of regulatory authority between NRC and the respective Agreement States.

Preamble of Standard Agreement: Paragraph 5: There are seven Agreements which have language different from Paragraph 5 of the Standard Agreement. These Agreements are Kentucky, California, Mississippi, Texas, Arkansas, North Carolina, and Kansas. These seven Agreements provide:

"WHEREAS, The Commonwealth and the Commission recognize the desirability and importance of maintaining continuing compatibility between its program and the program of the Commission for the control of radiation hazards in the interest of public health and safety;" (Emphasis added)

While the Standard agreement provides:

"WHEREAS, The State/Commonwealth and the Commission recognize the desirability and importance of cooperation between the Commission and the State/Commonwealth in the formulation of standards for protection against hazards of radiation and in assuring that State/Commonwealth and Commission programs for protection against hazards of radiation will be coordinated and compatible;" (Emphasis added)

It is clear in these seven agreements that the issue of maintaining continuing compatibility after the Agreement was signed was an area of importance. This language was modified to include "cooperation" in the facilitation of compatibility. The importance of cooperation is an integral component of the Agreement State Program and no less cooperation between NRC and these seven Agreement States results from this alternative language.

Preamble of Standard Agreement: Paragraph 7: The Standard Agreement and 29 of the 30 Agreements provide, "WHEREAS, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended." The Kentucky Agreement, which was the first Agreement signed, states, "WHEREAS, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;" and the applicable regulations of the Atomic Energy Commission which may be issued from time to time pursuant thereto." (Emphasis added). This difference between the Kentucky Agreement, and the 29 subsequent Agreements and the Standard Agreement is not substantive. The language used in the Kentucky Agreement does not provide any additional authority to the Commission which is not already invested by Section 274.

Article I of the Standard Agreement: This article differs in some aspects from all 30 of the current Agreements. As stated earlier, all of the 25 Agreements issued before 1978, unless amended, differ from the Standard Agreement because they do not reflect the

provisions of UMTRCA. In addition, Article I in these first 25 Agreements, unless amended, does not differentiate low-level waste disposal as a separate category over which authority can be assumed. The eventual NRC practice to separately designate low-level waste disposal as a distinct authority was a result of the Low-Level Radioactive Waste Policy Act of 1980. Another difference between the Standard Agreement and these Agreements is that none of the current Agreements reflect the Commission's decision on SECY-95-136, which established evaluation of sealed sources and devices as a separate category over which authority could be assumed by a State. Nevertheless, the scope of regulatory authority is currently well understood by each Agreement State and NRC.

Article III of the Standard Agreement: All of the 25 Agreements issued before 1978, unless amended, differ from the Standard Agreement. These Agreements do not reflect the ability of States after 1978 to choose to regulate categories of material, such as 11e.(2) and low-level waste. The remaining five current Agreements differ only slightly from the Standard Agreement language. In the Standard Agreement, the wording, "With the exception of those activities identified in Article II.A.1 through 4," was added at the beginning of the paragraph before "this Agreement may be amended." In addition, in the Standard Agreement, the wording "additional areas" was replaced by "additional activities," and the wording "exert regulatory authority and responsibility with respect to those activities" replaces the wording "control over the materials stated therein." All existing Agreement States and those States seeking an Agreement recognize that Agreement State regulatory authority may include 11e.(2) byproduct material.

Article VI of the Standard Agreement: This article differs in some aspects from all 30 of the current Agreements. In the first three Agreements signed (Kentucky, 3/26/62; Mississippi, 7/1/62; and California, 9/1/62) each State agreed to:

"use its best efforts to maintain continuing compatibility between its program and the program of the Commission for the regulation of like materials. To this end the State will use its best efforts to keep the Commission informed of proposed changes in its rules and regulations, and licensing, inspection, and enforcement policies and criteria, and of proposed requirements for the design and distribution of productions containing source, byproduct, or special nuclear materials, and to obtain the comments and assistance of the Commission thereon;"

and the Commission agreed to:

"use its best efforts to keep the State informed of proposed changes in its rules and regulations, and enforcement policies and criteria and to obtain the comments and assistance of the State thereon."

In these initial Agreements, the emphasis was placed on the States cooperating with the Commission in its formulation of regulations and not both parties working together to establish compatible regulatory programs. However, during the negotiations for the New

York Agreement (10/15/62), at the request of the State, this provision was changed to emphasize that States and the Commission should work together in achieving "coordinated and compatible" regulatory programs for radioactive materials. The articles of the 27 remaining Agreements differ slightly from the Standard Agreement. The language of the Standard Agreement is presented below with the language of the 27 Agreements shown in ~~strikeout~~ and any new language in redline.

"The Commission will ~~use its best efforts to~~ cooperate with the State and other agreement states in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State ~~agrees will use its best efforts to~~ cooperate with the Commission and other agreement states in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials.

The State and the Commission will ~~use their best efforts to~~ keep each other informed of proposed changes in their respective rules and regulations and to ~~provide each other the opportunity for early and substantive contribution to the proposed change licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon."~~

~~The State/Commonwealth and the Commission agree to keep each other informed of events, accidents, and licensee performance that may have generic implication or otherwise be of regulatory interest.~~

The paragraph added to the Standard Agreement clarifies the exchange of information between the Agreement States and the NRC regarding events and incidents. Under the new implementing procedures for the Policy Statement on Adequacy and Compatibility of Agreement State Programs, the reporting of events is identified as a program element required by Agreement States for the purposes of compatibility. Language was added to the implementing procedures stating that event reporting by Agreement States is mandatory as directed by the Commission in the June 30, 1997 SRM.

The New York Agreement contains the following text which is not a part of the Standard Agreement nor any of the other 29 current Agreements:

NY Agreement Article VII:

"The Commission and the State recognize that the limits on their respective rights, powers, and responsibilities under the Constitution, with respect to protection against radiation hazards arising out of the activities licensed by the Commission

within the State, are not precisely clear. The Commission and the State agree to work together to define, within a reasonable time, the limits of, and to provide mechanisms for accommodating, such responsibilities of both parties. Without prejudice to the respective rights, powers and responsibilities of Federal and State authority, the State undertakes to obtain promptly and to maintain in effect while such cooperative endeavors are in progress, a modification of the Health, Sanitary and Industrial Codes which are to become effective within the State as of October 15, 1962, so as to exempt (except for registration; notification; inspection, not including operational testing but including sampling which would not substantially interfere with or interrupt any Commission licensed activities; and routing and scheduling of material in transit) licensees of the Commission from so much of such Codes as pertain to protection against radiation hazards arising out of activities licensed by the Commission within the State. While such cooperative endeavors are in progress, the existence or nonexistence of the exercise by the Commission or the State, in an emergency situation presenting a peril to the public health and safety, of any constitutional rights and powers the Federal Government or the State may have now or in the future. If such cooperative endeavors do not result in a definition, within a reasonable time, of the limits of, and provision of mechanisms for accommodating, the responsibilities of the Commission and the State with respect to protection against radiation hazards arising out of the activities licensed by the Commission within the State, then the existence or nonexistence of the exemptions and exceptions referred to above shall not prejudice the exercise by the Commission or the State of any constitutional rights and powers the Federal Government or the State may have now or in the future."

This paragraph addresses issues associated with the transition of certain regulatory authority from the Atomic Energy Commission (AEC) to the State of New York. Its continued existence in the Agreement, which is superfluous, does not impact the effectiveness of the Agreement.

II. Conclusion Derived from the Evaluation of the Current Agreements

Although there are differences between the current Agreements and the Standard Agreement, staff believes that these differences do not result in a need for each current Agreement to be reaffirmed or modified in light of the new policy statements (Response to SRM dated November 2, 1994). Existing Agreements also remain valid, as directed in the June 30, 1997 SRM.

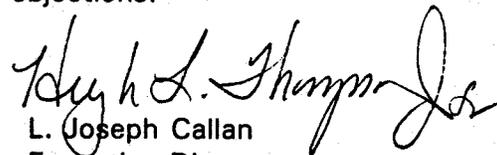
The staff believes that the current 30 Agreements are appropriately consistent with regard to compatibility, specification of authority, and termination and suspension of Agreements to fully implement the two new policies. In addition, from the evaluation, the staff does not identify any additional requirements or commitments which need to be included in the Agreements. Staff also believes that while there is the potential for some marginal improvements in the language of the existing Agreements (e.g., clarifying the NRC and

Agreement State responsibilities for information exchange), the staff and Agreement States have not identified any significant impacts on Agreement State Program effectiveness caused by their implementation. As such, any benefits gained from making changes to existing Agreements would not be justified by the resources required by the NRC and the States to develop and finalize amendments to the current 30 Agreements.

While a few Agreement States expressed doubt about their willingness to remain an Agreement State while the two new policy statements were in the early stages of development, no recent significant concern has been expressed. More recently, a few Agreement States informally indicated Agreement regulatory authority may be returned to NRC as a result of NRC's policy on the funding of Agreement State training and travel. However, all Agreements contain the provision that upon request of the Governor, an Agreement can be suspended or terminated. For this reason, reaffirmation of Agreements is not necessary to provide an Agreement State the opportunity to return regulatory authority to NRC. The staff discussed the need for Agreement reaffirmation and modification with the Executive Committee of the Organization of Agreement States and provided all Agreement State radiation control program directors an opportunity to comment on the staff's conclusions. The results indicate that the Agreement State radiation control programs agree with the staff's conclusion that reaffirmation or modification of Agreements is not necessary. Thus, the staff has concluded, based upon its evaluation, that no modification or reaffirmation of current Agreements is necessary either to reflect the new Standard Agreement or for implementation of the "Statement of Principles and Policy for the Agreement State Program" and the "Policy Statement on Adequacy and Compatibility of Agreement State Programs."

COORDINATION:

The Office of the General Counsel has no legal objections.


L. Joseph Callan
Executive Director
for Operations

Attachment:
Standard Agreement

DISTRIBUTION:

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AN AGREEMENT
BETWEEN
THE UNITED STATES NUCLEAR REGULATORY COMMISSION
AND
THE STATE/COMMONWEALTH OF [insert name of State]
FOR THE
DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY
AND
RESPONSIBILITY WITHIN THE STATE/COMMONWEALTH PURSUANT TO
SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

WHEREAS, The United States Nuclear Regulatory Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State/Commonwealth providing for discontinuance of the regulatory authority of the Commission within the State/Commonwealth under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials as defined in Sections 11e.(1) and (2) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and,

WHEREAS, The Governor of the State/Commonwealth of [insert name] is authorized under [cite enabling statute] to enter into this Agreement with the Commission; and,

WHEREAS, The Governor of the State/Commonwealth of [insert name] certified on [date], that the State/Commonwealth of [insert name] (hereinafter referred to as the State/Commonwealth) has a program for the control of radiation hazards adequate to protect public health and safety with respect to the materials within the State/Commonwealth covered by this Agreement, and that the State/Commonwealth desires to assume regulatory responsibility for such materials; and,

WHEREAS, The Commission found on [date] that the program of the State/Commonwealth for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect public health and safety; and,

WHEREAS, The State/Commonwealth and the Commission recognize the desirability and importance of cooperation between the Commission and the State/Commonwealth in the formulation of standards for protection against hazards of radiation and in assuring that State/Commonwealth and Commission programs for protection against hazards of radiation will be coordinated and compatible; and,

WHEREAS, The Commission and the State/Commonwealth recognize the desirability of the reciprocal recognition of licenses, and of the granting of limited exemptions from licensing of those materials subject to this Agreement; and,

WHEREAS, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

NOW, THEREFORE, It is hereby agreed between the Commission and the Governor of the State/Commonwealth acting in behalf of the State/Commonwealth as follows:

ARTICLE I¹

Subject to the exceptions provided in Articles II, IV, and V, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State/Commonwealth under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

- A. Byproduct materials as defined in Section 11e.(1) of the Act;
- B. Byproduct materials as defined in Section 11e.(2) of the Act;
- C. Source materials;
- D. Special nuclear materials in quantities not sufficient to form a critical mass.
- E. The regulation of the land disposal of byproduct, source, or special nuclear waste materials received from other persons;
- F. The evaluation of radiation safety information on sealed sources or devices containing byproduct, source, or special nuclear materials and the registration of the sealed sources or devices for distribution, as provided for in regulations or orders of the Commission.

ARTICLE II

- A. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to:
 - 1. The regulation of the construction and operation of any production or utilization facility or any uranium enrichment facility;
 - 2. The regulation of the export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

¹If the State/Commonwealth chooses not to regulate all categories of material listed in Article I, those categories where NRC will retain authority should be listed in Article II, A.

3. The regulation of the disposal into the ocean or sea of byproduct, source, or special nuclear materials waste as defined in the regulations or orders of the Commission;
4. The regulation of the disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed without a license from the Commission;
5. The evaluation of radiation safety information on sealed sources or devices containing byproduct, source, or special nuclear materials and the registration of the sealed sources or devices for distribution, as provided for in regulations or orders of the Commission.²

B.³ Notwithstanding this Agreement, the Commission retains the following authorities pertaining to byproduct material as defined in Section 11e.(2) of the Atomic Energy Act:

1. Prior to the termination of a State/Commonwealth license for such byproduct material, or for any activity that results in the production of such material, the Commission shall have made a determination that all applicable standards and requirements pertaining to such material have been met.
2. The Commission reserves the authority to establish minimum standards governing reclamation, long-term surveillance or maintenance, and ownership of such byproduct material and of land used as a disposal site for such material. Such reserved authority includes:
 - a. The authority to establish terms and conditions as the Commission determines necessary to assure that, prior to termination of any license for such byproduct material, or for any activity that results in the production of such material, the licensee shall comply with decontamination, decommissioning, and reclamation standards prescribed by the Commission; and with ownership requirements for such materials and its disposal site;
 - b. The authority to require that prior to termination of any license for such byproduct material or for any activity that results in the production of such material, title to such byproduct material and its disposal site be transferred to the United States or the State/Commonwealth at the option of the State/Commonwealth (provided such option is exercised prior to termination of the license);
 - c. The authority to permit use of the surface or subsurface estates, or both, of the land transferred to the United States or a State/Commonwealth pursuant to paragraph 2.b. in this section in a

²Include only if the State is not authorized to conduct sealed source and device reviews for purposes of registration for distribution.

³Article II.B. is included in the agreement only if the State is authorized to regulate 11e.(2) byproduct material.

manner consistent with the provisions of the Uranium Mill Tailings Radiation Control Act of 1978, provided that the Commission determines that such use would not endanger public health, safety, welfare, or the environment;

- d. The authority to require, in the case of a license for any activity that produces such byproduct material (which license was in effect on November 8, 1981), transfer of land and material pursuant to paragraph 2.b. in this section taking into consideration the status of such material and land and interests therein, and the ability of the licensee to transfer title and custody thereof to the United States or a State/Commonwealth;
- e. The authority to require the Secretary of the Department of Energy, other Federal agency, or State/Commonwealth, whichever has custody of such byproduct material and its disposal site, to undertake such monitoring, maintenance, and emergency measures as are necessary to protect public health and safety, and other actions as the Commission deems necessary; and
- f. The authority to enter into arrangements as may be appropriate to assure Federal long-term surveillance or maintenance of such byproduct material and its disposal site on land held in trust by the United States for any Indian Tribe or land owned by an Indian Tribe and subject to a restriction against alienation imposed by the United States.

ARTICLE III⁴

With the exception of those activities identified in Article II.A.1 through 4, this Agreement may be amended, upon application by the State/Commonwealth and approval by the Commission, to include one or more of the additional activities specified in Article II, paragraphs [those activities not included in the agreement], whereby the State/Commonwealth may then exert regulatory authority and responsibility with respect to those activities.

ARTICLE IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE V

This Agreement shall not affect the authority of the Commission under Subsection 161b or 161i of the Act to issue rules, regulations, or orders to protect the common defense and

⁴Delete this Article and renumber the remaining articles if the State/Commonwealth assumes authority over all categories of materials in Article II.

security, to protect restricted data, or to guard against the loss or diversion of special nuclear material.

ARTICLE VI

The Commission will cooperate with the State/Commonwealth and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that Commission and State/Commonwealth programs for protection against hazards of radiation will be coordinated and compatible. The State/Commonwealth agrees to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the State/Commonwealth and the Commission for protection against hazards of radiation and to assure that the State/Commonwealth's program will continue to be compatible with the program of the Commission for the regulation of materials covered by this Agreement.

The State/Commonwealth and the Commission agree to keep each other informed of proposed changes in their respective rules and regulations, and to provide each other the opportunity for early and substantive contribution to the proposed changes.

The State/Commonwealth and the Commission agree to keep each other informed of events, accidents, and licensee performance that may have generic implication or otherwise be of regulatory interest.

ARTICLE VII

The Commission and the State/Commonwealth agree that it is desirable to provide reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any other Agreement State. Accordingly, the Commission and the State/Commonwealth agree to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State/Commonwealth, or upon request of the Governor of the State/Commonwealth, may terminate or suspend all or part of this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that (1) such termination or suspension is required to protect public health and safety, or (2) the State/Commonwealth has not complied with one or more of the requirements of Section 274 of the Act. The Commission may also, pursuant to Section 274j of the Act, temporarily suspend all or part of this agreement if, in the judgment of the Commission, an emergency situation exists requiring immediate action to protect public health and safety and the State/Commonwealth has failed to take necessary steps. The Commission shall periodically review actions taken by the State/Commonwealth under this Agreement to ensure compliance with Section 274 of the Act which requires a State/Commonwealth program to be adequate to protect public health and safety with respect to the materials covered by this Agreement and to be compatible with the Commission's program.

ARTICLE IX⁵

⁵Use Article IX only if the State is authorized to regulate 11e.(2) byproduct material.

In the licensing and regulation of byproduct material as defined in Section 11e.(2) of the Act, or of any activity which results in production of such material, the State/Commonwealth shall comply with the provisions of Section 274o of the Act. If in such licensing and regulation, the State/Commonwealth requires financial surety arrangements for reclamation or long-term surveillance and maintenance of such material,

- A. The total amount of funds the State/Commonwealth collects for such purposes shall be transferred to the United States if custody of such material and its disposal site is transferred to the United States upon termination of the State/Commonwealth license for such material or any activity which results in the production of such material. Such funds include, but are not limited to, sums collected for long-term surveillance or maintenance. Such funds do not, however, include monies held as surety where no default has occurred and the reclamation or other bonded activity has been performed; and
- B. Such surety or other financial requirements must be sufficient to ensure compliance with those standards established by the Commission pertaining to bonds, sureties, and financial arrangements to ensure adequate reclamation and long-term management of such byproduct material and its disposal site.

ARTICLE X

This Agreement shall become effective on [date], and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII.

Done at [City, State] this [date] day of [month], [year].

FOR THE UNITED STATES NUCLEAR REGULATORY COMMISSION

_____, Chairman

FOR THE STATE/Commonwealth OF _____

_____, Governor